

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 4, 8, 10, 14, 16 are requested to be cancelled.

Claims 1, 3, 7, 9, 13, 15 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3, 5-7, 9, 11-13, 15, 17-18 are now pending in this application.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3, 7, 9, 13 and 15 have been amended and claims 2, 4, 8, 10, 14, and 16 have been cancelled. Accordingly, claims 1, 3, 5-7, 9, 11-13, 15, and 17-18 are currently pending the present application. Note that the word “set” is now utilized in the claims. This word is intended to mean one or more. Also, note that similar amendments have been made in Application serial number 09/816,033.

Independent claim 1 has been amended to comprise supply chain system computer of an independent supply chain manager receiving data from a plurality of independent gas station outlets of a gas station franchise supply chain utilizing a network, the data comprising the completed sale amounts of gas station goods and services by the independent gas station outlets which completed sale amounts are not generated by sales via the network, each of the independent gas station outlets utilizing at least one associated independent gas station distributor and independent gas station supplier, and wherein the data is provided at the sole discretion of the respective independent gas station outlets; a supply chain computer parsing the data from a plurality of the independent gas station outlets by the at least

one independent gas station distributor and the at least one independent gas station supplier associated with the independent gas station outlets supplying the data; generating an electronic order form based on the parsed data for ordering gas station goods and services from the at least one independent gas station distributor associated with one of the respective independent gas station outlets supplying the data of the gas station supply chain; transmitting the parsed data to the independent gas station distributor associated with the one of the independent gas station outlets from which the data was received of the gas station franchise supply chain utilizing the network; transmitting the parsed data to the independent gas station supplier associated with the one of the gas station outlets from which the data was received of the gas station franchise supply chain utilizing the network; the supply chain system computer of the independent supply chain manager forecasting aggregated activity in the gas station franchise supply chain utilizing the data; sending the electronic order form to the at least one independent gas station distributor associated with the one of the independent gas station outlets from which the data was received; and the supply chain computer of the independent supply chain manager providing electronic access via the network to the forecast to the at least one independent gas station distributor and the at least one independent gas station supplier associated with the one of the independent gas station outlets from which the data was received only after identity verification.

These amendments focus on the fact that each of the recited plurality of gas station outlets is independent from the others and is using an independent supply chain system to provide its gas station outlet supplies. In such a scenario, the independent gas station outlet has no obligation to provide its sales data, i.e., such provision is voluntary. Likewise, the distributors and suppliers are independent. Thus, none of these supply chain participants has the ability to get the data necessary in real time, and aggregate that data from the outlets to generate orders for re-supply. Moreover, this independence removes the ability to do demand forecasting at the distributor and supplier supply chain levels. Additionally, this situation is in the context of a need for constant real time re-supply to individual independent gas station outlets. The key to the solution to this problem is the use of an independent supply chain manager who receives at his computer the POS data for the independent gas

stations outlets. This data from a plurality of independent gas station outlets is then parsed by the at least one independent gas station distributor and the at least one independent gas station supplier associated with the independent gas station outlet supplying the data. The parsed data is then transmitted to the appropriate independent gas station distributors and independent gas station suppliers based on association with the independent gas station outlets supplying the data. The supply chain system computer of the independent supply chain manager forecasts aggregated activity in the gas station supply chain utilizing the data, and access is electronically provided to the forecast to the appropriate independent gas station distributor and independent gas station supplier to thereby unify the disparate independent players in the supply chain.

Shavit et al. does not disclose or suggest the receipt of POS data from gas station outlets where the sales are not generated by sales via the Shavit network, much less the parsing of the POS data to match data from a particular gas station outlet to its selected gas station distributor and gas station supplier. Rather, Shavit et al. is directed at facilitating direct communications between buyers and sellers, some of whom may be distributors and suppliers. Shavit et al. not only does not receive POS data from sales not generated on its network, but cannot generate an electronic order form based on the data. Order entry as described at column 6, line 34, means just that—entry of an order. It does not mean the preparation of an electronic order in response to the POS data. Also, without the receipt of POS data from sales not generated on its network, such data cannot be transmitted by the system to the appropriate gas station distributor or the appropriate gas station supplier. Shavit does make reference to generic forecasting at column 7, line 19, but there is, and could be no disclosure of forecasting based on POS data from sales not generated on its network, since Shavit never receives such data. Accordingly, multiple steps are missing from Shavit et al. Finally, and importantly, Shavit does not disclose the concept of an independent supply chain manager performing the operations listed in the claims.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

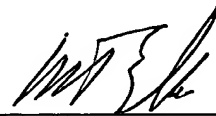
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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